

Amended Claims

The following listing of claims replaces all prior versions and listings of Claims in the application:

Claims 1-17 (canceled)

Claim 18. (currently amended) An isolated polynucleotide comprising:

- (a) a nucleotide sequence encoding a polypeptide having toxineobatoxin activity, wherein the amino acid sequence of the polypeptide has and the amino acid sequence of SEQ ID NO:2 ~~have at least 80% sequence identity based on the Clustal alignment method~~, or
- (b) the complement of the nucleotide sequence, wherein the complement and the nucleotide sequence contain the same number of nucleotides and are 100% complementary.

Claims 19.-22. (canceled)

Claim 23. (previously added) The polynucleotide of claim 18 wherein the nucleotide sequence comprises the nucleotide sequence of SEQ ID NO:1.

Claim 24. (currently amended) A vector comprising the polynucleotide of Claim 18 or Claim 31.

Claim 25. (currently amended) A recombinant DNA construct comprising the polynucleotide of Claim 18 or Claim 31 operably linked to a regulatory sequence.

Claim 26. (currently amended) A method for transforming a cell comprising transforming a cell with the polynucleotide of Claim 18 or Claim 31.

Claim 27. (previously added) A cell comprising the recombinant DNA construct of Claim 25.

Claims 28.-29. (canceled)

Claim 30. (previously added) A method for isolating a polypeptide encoded by the polynucleotide of Claim 18 comprising isolating the polypeptide from a cell containing a recombinant DNA construct comprising the polynucleotide operably linked to a regulatory sequence.

Claim 31. (currently amended) An isolated polynucleotide comprising:

- (a) a nucleotide sequence encoding a polypeptide having toxineobatoxin activity, wherein the amino acid sequence of the polypeptide comprises amino acids 22-58 of the amino acid sequence of SEQ ID NO:2, or
- (b) the complement of the nucleotide sequence, wherein the complement and the nucleotide sequence contain the same number of nucleotides and are 100% complementary.